

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
 vs.) Criminal No. 10-0029
)
ANDREW TERRY)

ORDER

AND NOW this 19TH day of May, 2011, IT IS HEREBY ORDERED
that the court will DENY defendant's motion for leave to proceed in
forma pauperis.

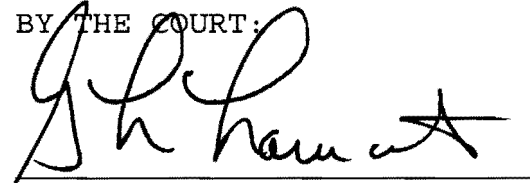
On March 11, 2009, defendant, Andrew Terry, was indicted
for Possession of a Firearm by a Convicted Felon in violation of 18
U.S.C. §§ 922(g)(1) and 924(e). Trial is scheduled for July 5,
2011.

On March 3, 2011, defendant notified the court of his
intention to represent himself with standby counsel. After a
hearing on the matter, the court granted defendant's request to
proceed pro se and appointed counsel to serve as standby counsel.
On April 7, 2011, defendant filed a motion for leave to proceed in
forma pauperis.

A defendant in a criminal case cannot appear in forma
pauperis. In forma pauperis is a status that allows indigent
plaintiffs "to bring a civil action or appeal a judgment in a civil
action or proceeding without prepayment of fees or security." 28
U.S.C. § 1915(a)(2). Defendant has pointed to no statutory
authority authorizing this court to grant in forma pauperis status

to a defendant in a criminal case. However, if defendant now wants counsel to represent him, defendant may request representation and the court will appoint counsel at that time.

BY THE COURT:

A handwritten signature in black ink, appearing to read "G. L. Lancaster", written over a horizontal line.

GARY L. LANCASTER
Chief Judge

cc: Andrew Terry, pro se
Barbara Schwartz, United States Attorney
Stephen Israel